

Robert M. Carlson  
CORETTE BLACK CARLSON & MICKELSON  
129 West Park Street, Ste. 301  
Butte, MT 59701  
Ph.: 406-782-5800  
Fax: 406-723-8919  
bcarlson@cpklawmt.com

Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

|                                     |   |                               |
|-------------------------------------|---|-------------------------------|
| ERIC HULEATT and ALLEN BOWKER,      | ) | No. CV-13-113-M-DLC           |
| on behalf of himself and all others | ) |                               |
| similarly situated,                 | ) | <b>DEFENDANTS' MOTION</b>     |
|                                     | ) | <b>TO DISMISS PLAINTIFFS'</b> |
| Plaintiffs,                         | ) | <b>COMPLAINT</b>              |
|                                     | ) |                               |
| v.                                  | ) |                               |
|                                     | ) |                               |
| REMINGTON ARMS COMPANY, LLC,        | ) |                               |
| et al.                              | ) |                               |
|                                     | ) |                               |
| Defendants.                         | ) |                               |
| _____                               | ) |                               |

Defendants Remington Arms Co., LLC, Sporting Goods Properties Inc., and E.I. du Pont de Nemours & Co., ("Defendants"), by their attorneys and under Federal Rules of Civil Procedure 12(b)(6) and 9(b), move to dismiss Plaintiffs' Complaint. For the reasons set forth in Defendants' Brief in Support of Motion to Dismiss Plaintiffs' Complaint—which Defendants file contemporaneously with

this Motion—Defendants respectfully request that the Court dismiss with prejudice Plaintiffs’ Class Action Complaint because the Complaint is time-barred, fails to state a claim for which relief may be granted, and fails to plead allegations of fraud with sufficient particularity.

WHEREFORE, Defendants request this court to enter its Order dismissing Plaintiffs’ Complaint with prejudice for failure to state a claim upon which relief can be granted.

DATED this 5th day of August, 2013.

/s/ Robert M. Carlson  
CORETTE BLACK CARLSON &  
MICKELSON  
Attorney for Defendants

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 5th day of August, 2013, a copy of the foregoing document was served on the following persons by the following means: 1, 2, 3, 4, 5, and 6 by and through the Electronic Case Filing System.

1. Clerk, U.S. District Court
2. Andrew S. Leroy  
ATTORNEY AT LAW  
4717 Grand Avenue, Suite 820  
Kansas City, MO 64112  
816-361-5550  
Email: aleroy@monseesmayer.com
3. Christopher M. Ellis  
BOLEN, ROBINSON & ELLIS, LLP  
202 South Franklin Street, 2nd Floor  
Decatur, IL 62523  
217-429-4296  
Fax: 217-329-0034  
Email: cellis@brelaw.com
4. Jon D. Robinson  
BOLEN, ROBINSON & ELLIS, LLP  
202 South Franklin Street, 2nd Floor  
Decatur, IL 62523  
217-429-4296  
Fax: 217-329-0034  
Email: jrobinson@brelaw.com

5. Richard A. Ramler  
RAMLER LAW OFFICE, P.C.  
202 West Madison  
Belgrade, MT 59714  
406-388-0150  
Fax: 406-388-6842  
Email: RichardRamler@aol.com

6. Timothy W. Monsees  
ATTORNEY AT LAW  
4717 Grand Avenue, Suite 820  
Kansas City, MO 64112  
816-361-5550  
Email: tmonsees@monseesmayer.com

/s/ Robert M. Carlson  
CORETTE BLACK CARLSON & MICKELSON  
Attorney for Defendants